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An Act To Regulate the Transportation of Firewood

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the emerald ash borer and the Asian longhorned beetle have the potential to decimate Maine's forests, affecting wildlife habitat and other forest-based resources; and

Whereas, introduction of these insect pests poses a threat to tree species of commercial value; and

Whereas, the Asian longhorned beetle is now present in 3 northeastern states and the emerald ash borer has killed millions of ash trees in the midwestern United States and is now present in Pennsylvania; and

Whereas, the next camping season will begin in June 2010, and many campers come to Maine bringing firewood from their home states; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §8307 is enacted to read:

§ 8307. Prohibition on bringing firewood into State

A person may not transport firewood into the State except for firewood that is packaged and clearly labeled as "kiln dried" or certified by the United States Department of Agriculture, Animal and Plant Health Inspection Service. The director of the bureau may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For purposes of this section, "firewood" means wood less than 4 feet in length that is sold or transported for residential or recreational consumption in fireplaces, woodstoves, outdoor fireplaces or campfires. "Firewood" does not include wood chips, wood pellets, fuel for biomass boilers, pulpwood or other wood sold or transported for manufacturing.

Sec. 2. Directives to the Department of Conservation. Within the Department of Conservation, the Director of the Bureau of Forestry shall work closely with the Director of the Bureau of Parks and Lands to ensure that the prohibition on the transportation of firewood into the State under the Maine Revised Statutes, Title 12, section 8307 is enforced in state parks and on other lands managed by the Bureau of Parks and Lands. Within existing resources, the Director of the Bureau of Forestry shall conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill prohibits the transportation of firewood into the State. The Director of the Bureau of Forestry within the Department of Conservation is authorized to use rulemaking to implement the prohibition. Firewood that is packaged and clearly labeled as “kiln dried” or certified by the United States Department of Agriculture, Animal and Plant Health Inspection Service is exempt from the prohibition. This bill also requires the director to use available resources to conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.